

DRAFT MINUTES  
STEERING COMMITTEE MEETING  
JULY 12, 2004

Attendees: F. Sanders; K. Lentz; D. Kovacs; T. Botkins; E. Imhoff; M. West; Jerry Peaks; B. Burnley; J. Dunscomb; W. Kale

Observers and Staff: J. Carlock; R. Jackson; T. Gray; J. Hassell, S. Kudlas, T. Wagner, B. Hulburt, M. Rubin.

The meeting began with a review of the draft minutes from the last Steering Committee meeting. A comment was received regarding the weight to be given to the AWWA flow chart and the fact that the minutes seemed to put it on par with the DEQ flow chart. It was clarified that the intent of its inclusion in that format was to highlight issues that still remained to be discussed by the TAC.

**I. Reports on Discussions and Meetings Since Last Steering Committee Meeting**

In reporting on the discussions that have taken place within the environmental interest group since the last Steering Committee meeting:

- it was stated that the notion of Phase II as a “bridge” to the Phase III permit stage was not in keeping with the perspectives of the environmental interest group;
- it is important to that group not to minimize the planning notion and get too caught up in the phases;
- there is a feeling that we should return to where we were with the regulations at the end of 2003;
- there was a request to determine what kinds of permits, and how many, are issued each year; and,
- there was a desire expressed to keep the reference to a connection between water quality and land use issues to a minimum in the regulation itself, and move that to the State Plan instead.

In reporting on discussions of the water suppliers group:

- it was stated that there was general agreement that the appropriate planning unit would be the localities and not the water suppliers themselves; and,
- there was concern raised about the firm yield/safe yield difference.

The firm yield/safe yield question led the Steering Committee into a lengthy discussion. DEQ acknowledges that this is a difficult issue. Both definitions have advantages and disadvantages. Keeping the VDH definition is attractive for consistency’s sake, but the fail-safe standard may create some issues because (in light of the 2002 drought, for example), it may force localities to build large projects in order to guarantee adequate supplies under even the most extreme conditions.

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MIF also needs further discussion. An ad hoc committee met to discuss instream flow, during which DGIF floated proposed guidelines. DGIF is not prepared to circulate its proposal further until it has been more thoroughly vetted in-house among its fishery biologists. DEQ also prepared some information, which was basically a report of most commonly used guidelines, based on past permit decisions. DEQ will continue to work with the ad hoc committee on preparing a proposal for the full TAC. There was a concern expressed that it would be important to get a water supply person involved in the ad hoc committee sooner rather than later. (DEQ agreed to make this happen.)

There was brief discussion about the possibility of trying to get Phase I plans submitted on the basis of watersheds or basins, rather than the population-based deadlines that are currently called for in the regulation. DEQ indicated a willingness to look at other ways to stagger the plans. (This theme came up again several times during the day and, ultimately, the suggestion was made that the Data Committee look into the issues that would be raised by staggering the Phase I plans in that way, rather than by population. Although there was recognition of the attractiveness of doing plans basin-by-basin, the practicality of such an approach was questioned, particularly given the fact that a large number of localities straddle more than one basin.)

A report was given on the first meeting of the Data Committee. It is not entirely clear what the charge to this committee actually is. At its most fundamental level, it was suggested that its task is to address the following questions:

- What are the questions that need to be answered in order to do these plans;
- What data are available; and,
- What are the data that need to be developed?

There had been a request at the last Steering Committee meeting for DEQ to put together some information on water demand projection methodologies. Because key players were missing from both the Data Committee meeting and the Steering Committee meeting, it was decided to wait on this report until a subsequent meeting.

## **II. Flow Chart Discussion**

The flow chart that DEQ had revised based on discussion at the last Steering Committee (and subsequent input) was presented. The flow chart generated a great deal of discussion.

The “options” sections on the right-hand side of the flow chart were discussed in order:

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The consensus recommendation of the Steering Committee to the TAC was that all localities would be required to do a Phase I plan (not just localities that surpassed the 80% trigger). Discussion on this issue centered on the need to avoid piecemeal analysis and the fact that the statute requires full participation. The two-phase approach (with Phase I as essentially descriptive and requiring minimal new data or analysis) was created in response to a concern that a more thorough analysis prior to the 80% trigger would create a hardship for some of the smaller localities.

The question of who supplies the information for the plans was discussed. The regulation requires the plans to contain certain information and says that the state will facilitate the gathering of this information. The suggestion was made that the localities will indicate when they are preparing their plans, the state will supply information and assistance, and the localities will have the responsibility of putting it together. In Phase II, the state will convene Technical Evaluation Committees to give feedback to the localities on the completeness and viability of their plans.

Issues surrounding Phase II were discussed. It is apparent that this is a topic that will generate significant discussion by the full TAC. At present, the trend seems to be toward having every locality that hits the 80% threshold prepare and submit a Phase II plan, even if it hits that threshold unexpectedly (i.e. a large user comes in that was not anticipated in the Phase I plan). Further discussion will be necessary to address concerns regarding these issues.

Questions were raised as to the approval process to be conducted (whether by the SWCB or delegated to the Director) and the need to involve the public at an earlier stage in the state-level Phase II process. It was suggested that notice and an opportunity for public comment should be included as a step between the local approval/submission of a Phase II plan and the state agency comments on it. This would allow additional information to be considered by the agencies in advance of their comments being formulated. There was also a request to indicate that all Phase II plans would be reviewed for conflicts among uses as well as conflicts among users. The flow chart will be revised to reflect these two items.

Interest in the incorporation of Phase II plans into the State Plan continues to be expressed. The State Water Control Board process under which such incorporation might take place was discussed only briefly. This will need further clarification at a subsequent Steering Committee meeting.

### **III. Draft Regulation Discussion**

The following suggestions were made:

- 9 VAC 25-780-30: insert “is designed to” on line 7, p.2, following the word “process”

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- Definitions for the following terms need to be added:
  - “program”
  - “planning period”
  - “Technical Evaluation Committee” and,
  - “unaccounted for losses”
- Need additional discussion on “Facility Limiting Output” and “Firm Yield” concepts.
- 9 VAC 25-780-50: insert “be designed to” on line 18, p.4, following the word “shall”
- 9 VAC 25-780-60.B.11: insert “written” on line 2, p.5, following the word “all”
- 9 VAC 25-780-60.E: make language active in sentence beginning line 33, p.5
- 9 VAC 25-780-60.D: need additional discussion on how to stagger Phase I plans
- 9 VAC 25-780-90.B.10: insert “outside the planning area” on line 48, p.8, following the word “or”
- 9 VAC 25-780-100.B: insert “and additional detailed studies shall not be required” on line 29, p.9, following the word “information”
- 9 VAC 25-780-110.D.4: insert “Subtotals of the above categories for all community water systems” on line 30, p.10
- 9 VAC 25-780-120.C:
  - create a new 9 VAC 25-780-130.A entitled “Drought Response” (this change necessitates changing the numbering on all subsequent sections)
  - delete the word “for” on line 13, p.11
  - rework the language on lines 23-24, p.11 to make it clear that the steps that are presented must be included in any locality’s drought response plan, but that a locality is not limited to only those steps
- 9 VAC 25-780-130.B: remove subparagraph “B” on lines 12-14, p. 12
- 9 VAC 25-780-130.C: insert the word “impoundments” on line 19, p.12, following the word “reservoirs”

- 9 VAC 25-780-140: delete the word “final” on line 28, and line 33, p.12
- 9 VAC 25-780-140.B.6: insert the words “or impoundment” on line 48, p.12, following the word “reservoirs”

The Steering Committee meeting closed with a request that everyone encourage members of their interest groups to read and be prepared to discuss the regulation. The regulation and the flow charts will be the focus of the meeting of the full TAC on Friday, July 23<sup>rd</sup>.